

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 3961 of 1995

Between:

M/s. Ramakrishna Pharmaceuticals Limited, represented by its Managing
Partner
Dr. N. Krishna Rao, Katedan, R.R. District.

..... PETITIONER

AND

- 1 Government of A.P. represented by its Secretary
Labour, Employment & Training (LAB-I) Department, Secretariat, Hyderabad.
- 2 General Secretary, Ramakrishna Pharmaceuticals Employees' Union,
1-2-56/74, Domalguda, Hyderabad.
- 3 Deputy Commissioner of Labour, R.R. District Zone, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari or any other appropriate writ and quash the order of the 1st respondent in G.O.Rt.No.210 dt: 7-2-95.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondent Nos.1 and 3: GP FOR LABOUR

Counsel for the Respondent No.2: None appeared.

The Court made the following:

ORAL ORDER:

In this Writ Petition the order of the 1st respondent in GO.RT.No.210, dated 7.2.1995, wherein the dispute, as to whether the Management of Ramakrishna Pharmaceuticals Employees Union was justified in not considering the payment of interim relief of Rs.250/- as espoused by the 2nd respondent-Union, was referred to the Industrial Tribunal-II, Hyderabad for adjudication is challenged.

2. It is the case of the petitioner that inasmuch as there was an understanding with the 2nd respondent-Union for payment of interim relief during the course of conciliation and that an agreement had been entered into under Section 12(3) of the Act on 22.11.1994, under which the petitioner was liable to pay interim relief of Rs.100/- per month to the workmen with effect from 1.9.1994, there was no dispute in existence between the parties and as such the very action of the 1st respondent in referring a non-existent dispute for adjudication is liable to be set aside.

3. Sri V.Venkata Ramana, learned counsel for the petitioner, places a copy of the Minutes of the Meeting held between the petitioner and the 2nd respondent-Union dated 24.5.2005, whereby certain issues were agreed upon. Learned counsel submits that in view of the present Memorandum of Understanding dated 24.5.2005, none of the disputes in existence earlier survive for adjudication and presently there is no dispute in existence, which could be referred for adjudication to the Industrial Tribunal-II, Hyderabad.

4. None appears on behalf of the 2nd respondent.

5. Taking due note of the fact that a Memorandum of Understanding was entered into between the petitioner and the 2nd respondent-Union on 24.5.2005 and as also the submission of the learned counsel for the petitioner that there is no dispute in existence, which requires reference for adjudication, the impugned GO.RT.No.210, dated 7.2.1995 is quashed.

6. The Writ Petition is accordingly disposed of. No costs.

22.7.2005

SSR

To

1 The Secretary, Labour, Employment & Training (LAB-I) Department, Government of

A.P. Secretariat, Hyderabad.

2 The Deputy Commissioner of Labour, R.R. District Zone, Hyderabad.

3 The General Secretary, Ramakrishna Pharmaceuticals Employees Union,

1-2-56/74, Domalguda, Hyderabad.

4. 2 CCs to G.P. for Labour, High Court of A.P. Hyderabad. (OUT)

5. 2 CD copies

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